

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: : CHAPTER 13  
LATOSHA DEWAUN MATHIS :  
: CASE NUMBER A20-70035-JWC  
:  
DEBTOR. :

**MOTION TO RE-CONVERT THIS CASE TO ONE UNDER CHAPTER 7**

COMES NOW Nancy J. Whaley, the Standing Chapter 13 Trustee in the above-referenced matter and files this Motion to Re-Convert this Case to One Under Chapter 7. The Trustee respectfully shows the Court the following:

1.

Debtor originally filed for relief under Chapter 7 of Title 11 on September 21, 2020. The case was converted to a Chapter 13 on March 25, 2021. The Debtor's Chapter 13 plan was confirmed on August 26, 2021. The Debtor's confirmed plan provides for a zero percent (0%) dividend or a pool of \$26,125.00 to general unsecured creditors and a plan payment of \$300.00 per month.

2.

The Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of the date of this motion, the Trustee has received a total of \$1,742.00. The Trustee's records indicate the amount delinquent is \$453.00 with no payments received since April 8, 2022.

3.

Pursuant to 11 U.S.C. Section 1307(c), the Court may convert a case under Chapter 13 to a case under Chapter 7, when in the best interest of creditors as compared to dismissal.

4.

In addition to the delinquency in plan payment, a Motion for Relief from the Automatic Stay has been filed by SN Servicing asserting a post-petition delinquency in mortgage payments as well.

5.

Based upon the Chapter 7 Trustee's interest during the pendency of the original Chapter 7 and the terms of the Court's Order at docket 22, it appears conversion back to Chapter 7 is in the best interest of the estate and creditors.

WHEREFORE, the Chapter 13 Trustee prays that the case be re-converted back to Chapter 7 and that a Chapter 7 Trustee be appointed for administration of the Debtor's estate. The Trustee prays that the filing fee not be paid until the Court hears this matter and if the case is re-converted to one under Chapter 7 that the Trustee be permitted to pay the fee with available funds in the Debtor's case and any other such relief the Court deems just and proper.

THIS THE 27th day of April, 2022.

Respectfully submitted,

/s/ \_\_\_\_\_  
Julie M. Anania,  
Attorney for Chapter 13 Trustee  
GA Bar No. 477064  
303 Peachtree Center Ave., NE, Suite 120  
Atlanta, GA 30303  
(678) 992-1201  
[janania@njwtrustee.com](mailto:janania@njwtrustee.com)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CASE NO. A20-70035-JWC
	:	
LATOSHA DEWAUN MATHIS	:	CHAPTER 13
	:	
Debtor(s).	:	JUDGE CAVENDER
	:	
NANCY J. WHALEY, TRUSTEE	:	
	:	
Movant(s),	:	
v.	:	CONTESTED MATTER
	:	
LATOSHA DEWAUN MATHIS	:	
	:	
Respondent(s),	:	
	:	

NOTICE OF HEARING ON TRUSTEE'S MOTION  
TO RE-CONVERT THIS CASE TO ONE UNDER CHAPTER 7

**PLEASE TAKE NOTICE** that Nancy J. Whaley, Standing Chapter 13 Trustee, has filed a Motion to Re-Convert This Case to One Under Chapter 7 and related papers with the Court seeking an Order re-converting the case back to a Chapter 7 case.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold an initial telephonic hearing for announcements on the Motion to Reconvert Case to One Under Chapter 7 at the following toll-free number: **833-568-8864; meeting id 160 459 5648, at 10:20 a.m. on Tuesday, May 24, 2022 in Courtroom 1203, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303.**

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: April 27, 2022

Respectfully submitted,

/s/ \_\_\_\_\_  
Julie M. Anania,  
Attorney for Chapter 13 Trustee  
GA Bar No. 477064  
303 Peachtree Center Ave., NE  
Suite 120  
Atlanta, GA 30303  
(678) 992-1201  
[janania@njwtrustee.com](mailto:janania@njwtrustee.com)

**CERTIFICATE OF SERVICE**

Case No: A20-70035-JWC

I certify that on this day, I caused a copy of this Chapter 13 Trustee's Motion to Re-Convert This Case to One Under Chapter 7 and Notice of Hearing to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

LETOSHA DEWAUN MATHIS  
2623 MEMORY LANE  
DOUGLASVILLE, GA 30135

OFFICE OF THE U.S. TRUSTEE  
ASSISTANT U.S. TRUSTEE JENEANE TREACE  
75 TED TURNER DRIVE, S.W., SUITE 362  
ATLANTA, GA 30303

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion to Re-Convert This Case to One Under Chapter 7 and Notice of Hearing using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

**Attorney for the Debtor(s):**

R. JEFFREY FIELD & ASSOCIATES

***(ALL CREDITORS LISTED ON THE MAILING MATRIX)***

This the 27th day of April, 2022.

/s/ \_\_\_\_\_  
Julie M. Anania,  
Attorney for the Chapter 13 Trustee  
State Bar No. 477064  
303 Peachtree Center Avenue, NE  
Suite 120  
Atlanta, GA 30303  
678-992-1201  
[janania@njwtrustee.com](mailto:janania@njwtrustee.com)

Label Matrix for local noticing  
113E-1  
Case 20-70035-jwc  
Northern District of Georgia  
Atlanta  
Wed Apr 27 10:55:11 EDT 2022

Amex  
Correspondence/Bankruptcy  
Po Box 981540  
El Paso, TX 79998-1540

Amex/Bankruptcy  
Correspondence/Bankruptcy  
Po Box 981540  
El Paso, TX 79998-1540

Julie M. Anania  
Nancy J. Whaley  
Standing Chapter 13 Trustee  
Suite 120  
303 Peachtree Center Avenue  
Atlanta, GA 30303-1286

Barclays Bank Delaware  
P.O. Box 8803  
Wilmington, DE 19899-8803

CREDIT FIRST NA  
PO BOX 818011  
CLEVELAND, OH 44181-8011

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130-0285

Capital One  
Po Box 30281  
Salt Lake City, UT 84130-0281

Capital One Bank (USA), N.A.  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118-7901

Citibank, N.A.  
5800 S Corporate Pl  
Sioux Falls, SD 57108-5027

Citibank/The Home Depot  
Citicorp Credit Svcs/Centralized Bk dept  
Po Box 790034  
St Louis, MO 63179-0034

Comenity Bank/Lane Bryant  
Attn: Bankruptcy  
Po Box 182125  
Columbus, OH 43218-2125

Credit First National Association  
Attn: Bankruptcy  
Po Box 81315  
Cleveland, OH 44181-0315

Credit One Bank  
Attn: Bankruptcy Department  
Po Box 98873  
Las Vegas, NV 89193-8873

Department Stores National Bank  
c/o Quantum3 Group LLC  
PO Box 657  
Kirkland, WA 98083-0657

Discover Bank  
Discover Products Inc  
PO Box 3025  
New Albany, OH 43054-3025

(p)DISCOVER FINANCIAL SERVICES LLC  
PO BOX 3025  
NEW ALBANY OH 43054-3025

R. Jeffrey Field  
Jeffrey Field & Associates  
342 North Clarendon Avenue  
Scottdale, GA 30079-1320

(p)FIRST NATIONAL BANK  
ATTN BANKRUPTCY  
1500 S HIGHLINE AVE  
SIOUX FALLS SD 57110-1003

Fnb Omaha  
Attn: Bankruptcy  
Po Box 2490  
Omaha, NE 68103-2490

(p)GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

Goldman Sachs Bank, USA  
by AIS InfoSource, LP as Agent  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118-7901

Harrison Mill Homeowners Assoc  
c/o Faron Smith  
4160 Jackie Dr.  
Douglasville GA 30135-4454

Gregory Hays  
Hays Financial Consulting LLC  
2964 Peachtree Road NW  
Suite 555  
Atlanta, GA 30305-4909

Hsbc Bank  
Attn: Bankruptcy  
Po Box 2013  
Buffalo, NY 14240-2013

IRS Insolvency Unit  
401 W. Peachtree St., NW  
Room 400, Stop 334-D  
Atlanta, GA 30308

Kohls/Capital One  
Attn: Credit Administrator  
Po Box 3043  
Milwaukee, WI 53201-3043

Marcus by Goldman Sachs  
Attn: Bankruptcy  
Po Box 45400  
Salt Lake City, UT 84145-0400

Latosha Dewaun Mathis  
2623 Memory Lane  
Douglasville, GA 30135-4453

Medical Data Systems (MDS)  
Attn: Bankruptcy Dept  
2001 9th Ave Ste 312  
Vero Beach, FL 32960-6413

Nordstrom FSB Attn: Bankruptcy Po Box 6555 Englewood, CO 80155-6555	Office of the United States Trustee 362 Richard Russell Building 75 Ted Turner Drive, SW Atlanta, GA 30303-3315	PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021
PYOD, LLC Resurgent Capital Services PO Box 19008 Greenville, SC 29602-9008	Quantum3 Group LLC as agent for Comenity Bank PO Box 788 Kirkland, WA 98083-0788	Marc E. Ripps Marc E. Ripps, Esq. P O Box 923533 Norcross, GA 30010-3533
(p)SN SERVICING CORPORATION 323 FIFTH ST EUREKA CA 95501-0305	Christopher J. Sleeper Jeff Field & Associates 342 North Clarendon Avenue Scottsdale, GA 30079-1320	Syncb/PPC Attn: Bankruptcy Po Box 965060 Orlando, FL 32896-5060
Syncb/Pandora Attn: Bankruptcy Po Box 965060 Orlando, FL 32896-5060	Synchrony Bank c/o PRA Receivables Management, LLC PO Box 41021 Norfolk, VA 23541-1021	Synchrony Bank Attn: Bankruptcy Dept Po Box 965060 Orlando, FL 32896-5060
Synchrony Bank/ JC Penneys Attn: Bankruptcy Po Box 965064 Orlando, FL 32896-5064	Synchrony Bank/ Old Navy Attn: Bankruptcy Po Box 965060 Orlando, FL 32896-5060	Synchrony Bank/Amazon Attn: Bankruptcy Po Box 965060 Orlando, FL 32896-5060
Synchrony Bank/Gap Attn: Bankruptcy Dept Po Box 965060 Orlando, FL 32896-5060	Synchrony Bank/Lowes Attn: Bankruptcy Po Box 965060 Orlando, FL 32896-5060	Synchrony Bank/TJX Attn: Bankruptcy Po Box 965064 Orlando, FL 32896-5064
Target c/o Financial & Retail Srvs Mailstop BT POB 9475 Minneapolis, MN 55440-9475	U.S. Bank Trust National Association, as Trustee of the Cabana Series IV Trust c/o SN Servicing Corporation 323 Fifth Street Eureka, CA 95501-0305	United States Attorney Northern District of Georgia 75 Ted Turner Drive SW, Suite 600 Atlanta GA 30303-3309
Wells Fargo Bank NA Attn: Bankruptcy 1 Home Campus Mac X2303-01a Des Moines, IA 50328-0001	Wells Fargo Bank NA Po Box 14517 Des Moines, IA 50306-3517	Wells Fargo Bank, N.A. PO Box 10438, MAC F8235-02F Des Moines, IA 50306-0438
Wells Fargo Bank, N.A., Wells Fargo Card Ser PO Box 10438, MAC F8235-02F Des Moines, IA 50306-0438	Nancy J. Whaley Nancy J. Whaley, Standing Ch. 13 Trustee Suite 120, Truist Plaza Garden Offices 303 Peachtree Center Avenue Atlanta, GA 30303-1216	Ryan J. Williams Nancy J. Whaley Standing Chapter 13 Trustee 303 Peachtree Center Avenue Suite 120 Atlanta, GA 30303-1286

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Discover Financial  
Pob 15316  
Wilmington, DE 19850

First National Bank/Legacy  
Attn: Bankruptcy  
Po Box 5097  
Sioux Falls, SD 57117

Georgia Department of Revenue  
Compliance Division  
1800 Century Blvd., NE, S9100  
Atlanta, GA 30345

SN Servicing Corp.  
323 Fifth Street  
Eureka, CA 95501

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Synchrony Bank  
c/o PRA Receivables Management, LLC  
PO Box 41021  
Norfolk VA 23541-1021

(u)U.S. Bank Trust National Association

End of Label Matrix	
Mailable recipients	56
Bypassed recipients	2
Total	58